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9
10 UNITED STATES BANKRUPTCY COURT
11 DISTRICT OF NEVADA

12 In re:

13 USA COMMERCIAL MORTGAGE
14 COMPANY,

15 USA CAPITAL REALTY ADVISORS,
16 LLC,

17 USA CAPITAL DIVERSIFIED TRUST
18 DEED FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED
FUND, LLC,

20 USA SECURITIES, LLC,

21 Debtors.

22 Case No. BK-S-06-10725-LBR
23 Case No. BK-S-06-10726-LBR
24 Case No. BK-S-06-10727-LBR
25 Case No. BK-S-06-10728-LBR
26 Case No. BK-S-06-10729-LBR

27 CHAPTER 11

28 Jointly Administered Under Case No.
BK-S-06-10725-LBR

**Notice to Derrick & Laurie Spatorico
of the USACM Liquidating Trust's
Objection to Claim(s) and Motion For
Summary Judgment Regarding Same
Claims**

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

25 **NOTICE IS HEREBY GIVEN** to Derrick & Laurie Spatorico that on July 30,
26 2007, the USACM Liquidating Trust ("USACM") filed an objection to Claim No(s).
27 10725-02515 (the "Objection") and a Motion for Summary Judgment (the "Motion") on
28

1 those same claim(s). Along with this notice, USACM is serving Derrick & Laurie
 2 Spatorico with a copy of both the Objection and the Motion.

3 Derrick & Laurie Spatorico filed Proof of Claim No(s). 10725-02515, which
 4 asserted secured claim(s) against USA Commercial Mortgage Company. The Objection
 5 and the Motion dispute the assertion of secured claim status and ask the Court to reclassify
 6 your claim(s) as a general unsecured claim. This is not an objection to your claim as a
 7 direct lender or to the security interest you as a direct lender have in your borrowers'
 8 property as collateral. Rather, the Objection and the Motion argue that your claim(s) are
 9 not secured by property of the bankruptcy estate.

10 **PLEASE DO NOT CONTACT THE CLERK OF THE COURT OF THE**
 11 **BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.**
 12 **QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A**
 13 **CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100,**
 14 **WWW.BMCGROUP.COM/USACMC, OR TO UNDERSIGNED COUNSEL.**

15 **NOTICE IS FURTHER GIVEN** that any opposition to the Objection/Motion
 16 must be filed pursuant to Local Rule 9014(d)(1). If you do not want the Court to grant the
 17 relief sought in the Objection/Motion, or if you want to explain why you believe your
 18 claim(s) are secured claim(s) or otherwise want the Court to consider your views on the
 19 Objection/Motion, then you must file an opposition to the Motion with the Court, and
 20 serve a copy on the USACM Liquidating Trust **NO LATER THAN AUGUST 17, 2007.**
 21 The opposition must state your position, set forth all relevant facts and legal authority,
 22 provide relevant documents that support your claim to secured status, and be supported by
 23 affidavits or declarations that conform to Local Rule 9014(c).

24 If you object to the relief requested in the Objection/Motion, you *must* file a
 25 **WRITTEN** response to this pleading with the Court. You *must* also serve your
 26 written response to the person who sent you this notice.

27 If you do not file a written response with the Court, or if you do not serve your
 28 written response on the person who sent you this notice, then:

- 1 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 2 • The Court may *rule against you* without formally calling the matter at the
- 3 hearing.

4 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection/Motion will be
 5 held before a United States Bankruptcy Judge, Courtroom No. 1, Foley Federal Building,
 6 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101 on **October 15, 2007** at the
 7 hour of **9:30 a.m.** The hearing may be continued from time to time with notice to parties
 8 appearing.

9 Dated July 30, 2007.

10 **LEWIS AND ROCA LLP**

11 By /s/ RC (#6593)
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